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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,176	05/06/2004	Oliver Birch	CHA920030033US1	7520

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EXAMINER	
GAY, SONIA L	

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/840,176	BIRCH ET AL.	
	Examiner	Art Unit	
	SONIA GAY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *1-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to Amendment submitted on 03/10/2009. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

1. Applicant's amendment filed 03/10/2009 has been entered. Claim 22 has been amended. No claim has been added. Claims 1 -21 have been canceled. Claims 1- 28 are still pending in this application, with claim 22 being an independent claim.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 22, 23-25, and 27-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 7,529,353. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Claim 22 of the current application recites the limitation "routing said telephone call to **one of** a Call Control Extensible Markup Language and a Voice Extensible Markup Language browser". The claim's language can be interpreted to limit the scope of this claim to "routing a telephone call to a Voice XML browser" which is fully recited within claim 2 of US 7,529,353. Additionally, claim 22 recites "forwarding a request for voice instructions from said Voice XML browser to a call control protocol Voice XML converter". Claim 2 of US, 7529,353 fully recites this limitation with "forwarding said request for voice instruction from said XML browser to a call control protocol to Voice XML converter", wherein an XML browser encompasses all subset of XML browsers including a Voice XML browser. Moreover, the "controller" which is disclosed in claim 24 of the pending application is the same as a "coordinator" which is disclosed in claim 2 of US 7,529,353.

Pending Application- Claims 22,23-25, 27 - 28	US 7,529,353- Claim 2
22. (Currently Amended) A method of providing a voice dialogue in a telephone network, said method comprising:	2. A method of providing a voice dialogue in a telephone network, said method consisting of:
directing a telephone call to a switch;	directing a telephone call to a switch;
requesting, by said switch, routing instructions from a control point;	requesting, by said switch, routing instructions from a control point;
routing said telephone call to a one of a Call Control Extensible Markup Language[[/]] and a Voice Extensible Markup Language (CCXML/Voice XML) browser according to said routing instructions;	routing said telephone call to a voice Extensible Markup Language (XML) browser according to said routing instructions, wherein said routing process routes said telephone call to a voice extensible markup language browser;
forwarding a request for voice instructions from said	forwarding a request for voice instructions from said

CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter; converting said request for voice instructions to said call control protocol using said converter; forwarding said request for voice instructions from said converter to said control point; returning voice instructions from said control point to said converter; converting said voice instructions from said call control protocol to said CCXML/Voice XML; returning voice instructions from said converter to said CCXML/Voice XML browser; executing said voice instructions using said CCXML/Voice XML browser; and 23. (Original) The method in claim 22, wherein said converting process comprises using a Hypertext Transfer Protocol (HTTP) server junction. 24. (Original) The method in claim 22, wherein said converting process comprises using an Advanced Intelligent Network Session Controller. 25. (Original) The method in claim 22, wherein said converting process comprises using a CCXML converter and a XML converter. 27. (Original) The method in claim 22, wherein said routing process routes said telephone call to a voice extensible markup language browser and said converting process is performed by a converter connected to said browser. 28. (Original) The method in claim 22, wherein said call control protocol is not publicly available and said voice extensible markup language is publicly available.	XML browser to a call control protocol to voice XML converter, wherein said call control protocol is not publicly available and said voice extensible markup language is publicly available, converting said request for voice instructions to said call control protocol using said converter, wherein said converting process is performed by a converter connected to said browser, and wherein said converting process comprises using a Hypertext Transfer Protocol (HTTP) server, using an Advanced Intelligent Network Session Coordinator, and using a Call Control Protocol to Voice XML Converter; forwarding said request for voice instructions from said converter to said control point; returning voice instructions from said control point to said converter; converting said voice instructions from said call control protocol to said voice XML; returning voice instructions from said converter to said voice XML browser; and executing said voice instructions using said XML browser.

Claim Rejections - 35 USC § 103

3. Claims 22- 28 are rejected under 35 U.S.C. 103(a) as being unpatentable Crockett(US 2004/0141596) in view of Guigui (US 2004/0186901).

For claim 22, Crockett discloses a method of providing a voice dialogue in a telephone network, said method comprising:

directing a telephone call to a switch (*SSP*, [0110]);

requesting, by said switch, routing instructions from a control point ([0110] [0111]);

routing said telephone call to one of a Call Control Extensible Markup and Voice Extensible Markup Language (CCXML/Voice XML) browser according to said routing instructions ([0111][0120]);

forwarding a request for voice instructions from a CCXML/Voice XML browser to said control point ([0112]);

returning voice instructions from said control point to said CCXML/Voice XML browser ([0114]);

executing said voice instructions from said converter to said Call Control Extensible Markup/Voice XML browser ([0114] [0115]).

running an application on a CCXML application server connected to said CCXML/Voice XML browser ([0114]).

Yet, Crockett fails to teach forwarding a request for voice instructions from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter; converting said request for voice instructions to said call control protocol using said converter; forwarding said request for voice instructions from said converter to said control point; returning

voice instructions from said control point to said converter; converting said voice instructions from said call control protocol to said CCXML/ Voice XML; and, returning voice instructions from said converter to said CCXML/Voice XML browser.

However, Guigui discloses a system connected to a service control point comprising a converter (*proxy server* : [0036]) for the purpose of communicating with the service control point using a call control protocol and converting said call control protocol to an extensible markup language, XML utilized by the system ([0038] [0039] [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Crockett with the teachings of Guigi and so that the CCXML/Voice XML browser intelligent peripheral disclosed above in Crockett, which is a system that utilizes a protocol that is distinct from the protocol utilized by a service control point, communicates with a converter for the purpose of converting between the internal protocol , i.e. an XML protocol, and an external protocol used by the SCP by:

forwarding a request for voice instructions from said CCXML/Voice XML browser to a call control protocol to CCXML/Voice XML converter; converting said request for voice instructions to said call control protocol using said converter; forwarding said request for voice instructions from said converter to said control point; returning voice instructions from said control point to said converter; converting said voice instructions from said call control protocol to said CCXML/ Voice XML; and, returning voice instructions from said converter to said CCXML/Voice XML browser.

As dependent claims of Claim 22, Claims 23 – 28 are rejected for the same reasons discussed above for Claim 22.

Response to Arguments

4. Applicant's arguments filed 03/10/2009 have been fully considered but they are not persuasive. Applicant argues on pages 5-6 that the combination fails to teach "converting voice instructions to call control protocol VoiceXML." However, Crockett et al. discloses forwarding a request for voice instructions and returning voice instructions. ([0112][0113]). Additionally, Guigui discloses converting call control protocol to XML as discussed above. Any request or response to the request must be carried within a protocol. Therefore, any conversion of protocol as disclosed in Guigui comprises converting any information transmitted within the protocol. So, the combination of Crockett et al. and Guigi can convert the voice instructions or requests while converting the protocol since the voice instructions and requests are embodied within the protocol.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/

Examiner, Art Unit 2614

May 29, 2009

/Ahmad F Matar/

Supervisory Patent Examiner, Art Unit 2614